

**Thomas Jefferson to Albert Gallatin, March 31, 1808,
with Copy, from The Works of Thomas Jefferson in
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by Paul Leicester Ford.**

TO THE SECRETARY OF THE TREASURY J. MSS. (ALBERT GALLATIN.)

Mar. 31, 08.

If, on considering the doubts I shall suggest, you shall still think your draught of a supplementary embargo law sufficient, in its present form, I shall be satisfied it is so, for I have but one hour in the morning in which I am capable of thinking, and that is too much crowded with business to give me time to think.¹

¹ The following is the Jefferson draught alluded to above, together with the most important letters concerning the matter. The whole correspondence is given in Adams's *Writings of Gallatin*:

“March 30, 1808.

“ *A bill supplementary to the several Acts for laying an embargo eyre vessels, &c.*

“For vessels coming down rivers, &c.—Be it enacted, &c., that it shall not be lawful for any vessel laden with provisions or lumber to pass by or depart from any port of entry of the United States without examination and a special license from the collector of the customs of such port; nor shall any vessel be so laden on any part of the coasts or shores of the United States without the limits of any port of entry until previously examined by some person authorized by the nearest collector of the customs, and a special license from the said collector to be so laden, and to depart according to her lawful destination,

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on pain of incurring the same penalties and forfeitures as if the said lading had been exported contrary to the tenor of the Acts for laying on embargo, &c. And it shall be lawful for all officers of the revenue and of the armed vessels of the United States to bring to and examine all vessels suspected to be laden with provisions or lumber, and to have departed, or to be about to depart, without having obtained such license and on examination and probable grounds to seize and place the same under a due course of legal inquiry.

“For Passamaquoddy and St. Mary’s, and the secret coves and inlets of the coast.— And be it further enacted, &c., that wheresoever, in any port or on the coasts or shores of the United States elsewhere, a collection of provisions or of lumber shall be made or making which is suspected to be intended for exportation contrary to the provisions of the said laws for laying an embargo, it shall be lawful for the collector of the same port, or of the nearest port, by any agent to be appointed by him, to have the same deposited, if provisions, in warehouses to be approved by him, and to be duly secured by lock, the key of which shall remain with such agent; or if lumber, then to be placed under a sufficient guard by day and night, the expense of which shall be paid by the owner of such lumber, or be levied by sale of sufficient part thereof; and not to permit the said provisions or lumber to be removed but to such other places, and on such conditions, as shall in his judgment sufficiently guard their being exported contrary to the provisions of the said Acts. And the said collectors and agents shall in all cases within the purview of this Act be governed by such regulations as shall be prescribed by the Secretary of the Treasury, with the approbation of the President of the United States, in all matters of detail necessary for preventing the evasion of this law and for carrying the same into effectual execution.”

Th. J. to A. G.:

“The above is a very imperfect sketch (for I am not in a condition to think attentively) of what your better knowledge of the subject will enable you [to] prepare for preventing the evasions of the law at Passamaquoddy, St. Mary’s, and everywhere else as to provisions

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and lumber. If you will prepare something on these or any other ideas you like better, Mr. Eppes will give them to Mr. Newton (or you can endorse them to him yourself), and he will push them through the House. Affectionate salutations.

“April 2, 1808.

“On the amendments of the embargo laws I am perfectly satisfied with whatever you have concluded on after consideration of the subject. My view was only to suggest for your consideration, having not at all made myself acquainted with the details of that law. I therefore return you your bill, and wish it to be proposed. I will this day nominate Elmer. The delegates of North Carolina expect daily to receive information on the subject of a marshal. Is the register's office at New Orleans vacant? Claiborne says it is, and strongly recommends Robertson, the secretary. He will be found one of the most valuable men we have brought into the public service, for integrity, talents, and amiability. Affectionate salutations.

“October 25, 1808.

“* * * Would it not be well to have a bill ready for Congress on the defects which experience has developed in the embargo laws? Mandamus. The discretion of the collector expressly subjected to instructions from hence. To seize all suspected deposits. Bonds to be equal to what the cargoes would sell for in the highest foreign market, &c. Such other amendments as have occurred to you. The passing the law at their meeting would have a good effect in Europe, and would not pledge themselves to a continuance. Affectionate salutations.”

1. Is not the first paragraph against the Constitution, which says no preference shall be given to the ports of one State over those of another? You might put down those ports as ports of entry, if that could be made to do.

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2. Could not your 2d paragraph be made to answer by making it say that no clearance shall be furnished to any vessel laden with *provisions* or *lumber*, to go from one port to another of the U S, without special permission, &c.? In that case we might lay down rules for the necessary removal of provisions and lumber, inland, which should give no trouble to the citizens, but refuse licenses for all coasting transportation of those articles but on such applications from a Governor as may ensure us against any exportation but for the consumption of his State. Portsmouth, Boston, Charleston, & Savannah, are the only ports which cannot be supplied inland. I should like to prohibit *collections*, also, made evidently for clandestine importation.

3. I would rather strike out the words "in conformity with treaty" in order to avoid any express recognition at this day of that article of the British treaty. It has been so flagrantly abused to excite the Indians to war against us, that I should have no hesitation in declaring it null, as soon as we see means of supplying the Indians ourselves.

I should have no objections to extend the exception to the Indian furs purchased by our traders & sent into Canada. Affectionate salutns.